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Opening Statement

Thank you to Democrat and Republican members of this and the full committee — including previous iterations, which include over the past 24 years I’ve been in town— many deeply committed to a free press.

I remember a few years ago reporting on a story at CBS News. I always asked our lawyers to review my stories for legality and fairness. On this particular day, I was going over some documents with them provided by an inside source who exposed corporate wrongdoing. I had vetted the documents and gotten other sources to appear on camera.

The attorneys wanted to know— “If we’re challenged on this story in court, can we disclose the insiders’ name?”

I said, “No, he would lose his job, it would ruin him. Why?”

They explained that the law had been changing and it wasn’t to the benefit of journalists or our sources. They told me that we could no longer guarantee protection of the identity of our sensitive sources if challenged in court by, say, the company we were doing the story about.

“You would have to give up the name,” my lawyers told me.

“Or else what?” I asked.

“You’d probably go to prison,” they answered.

That made getting truthful information in the public’s interest — that much harder. I could no longer promise people who were willing to expose corporate or government wrongdoing that I could protect their identities at all costs.

Obviously, I’m just one reporter—multiply my experience by so many others. Here are just a few examples of stories I covered over the years that might not get told today because sources are threatened:

My investigation into fraud inside the Red Cross after all the 9/11 donations— which was recognized with an investigative Emmy award...was possible only with assistance from inside sources who provided me audits and information.

(Alleged waste, fraud or abuse of 9/11 donated funds July 29, 2002

www.cbsnews.com/news/red-faces-at-the-red-cross/

www.cbsnews.com/stories/2002/07/31/eveningnews/main517045.shtml)

Stories exposing wrongdoing within Ford and Firestone in covering up long-known, deadly tire dangers—another Emmy nominated investigation—might have gone untold.

Same with my investigations into Enron, Halliburton, prescription drugs and countless others. Stories that arguably led to taxpayer money and lives saved.

It was with help from inside intelligence sources, I broke the story at CBS of the Chinese stealing our most sensitive nuclear secrets. I was also able to break the news that the FBI lied about evidence against their suspect Wen Ho Lee. They claimed he'd failed his lie detector test when I obtained the polygraph and found out he'd passed with flying color.

Without the ability to protect confidential sources, I probably wouldn't have been able to report that when the CDC was alarming our nation about a swine flu epidemic... the vast majority of cases blamed on swine flu were not swine flu.. or any sort of flu at all.

And I wouldn't have been able to break the stories about how BP and the government provided false information about how much oil was really leaking into the ocean after the BP oil spill.

In the past decade, we've seen the government attack sources with a zeal that should be applied to those committing the wrongdoing exposed. Instead, the wrongdoers are often protected—in some cases they're the ones prosecuting the whistleblowers.

The greatest offense a government insider can commit today is not, for example, improperly unmasking names of US citizens for political purposes... it's providing information of wrongdoing to a journalist... someone could go to jail over the so-called leak, but not the actual wrongdoing exposed.

And sadly, we now have ample evidence that bad actors in government will go shocking extremes, violating constitutional rights and possibly laws, to hunt down our sources.

In my case, I'm still litigating against the FBI and others connected to the intel community for their intrusions into my computers while I was at CBS. The honest, intel-connected sources who helped me discover this include a former FBI Unit chief.

The actions of the computer intruders, which we can trace forensically, imply they were desperate to learn who my sources are and what I might report. Talk about chilling— after that news became public, everyone from intelligence community sources to corporate whistleblowers have told me they hesitate to communicate with me because they believe I'm being monitored.

And nothing has happened to the computer intruders to this day; instead the Justice Department simply uses unlimited taxpayer money to fight my case in court.

In the big picture, I can't help but see all of this as part of a growing, organized effort to control a free press.

I'm concerned about new movements to force schools to teach “media literacy,” and to invite third parties to “curate” our information and determine what's “fake news” and what's true.

My research shows these efforts are often the opposite of what they seem... the forces behind them are actually trying to shape public opinion by preventing us from seeing certain facts and views.

If these trends were in effect in the past, we might not now know that cigarettes are bad for you. The whistleblower wouldn't talk. The studies would be buried by algorithms at Google and Facebook because curators and media literacy experts would declare the research to be conspiratorial.

They'd point to settled science that shows cigarettes are perfectly safe—maybe even good for you. News outlets and reporters daring to pierce the narrative would be controversialized, bullied on social media, and forced out of their jobs.

Make no mistake: the ongoing government and corporate crackdown on whistleblowers, and journalists who report their stories is a war. Our truthful information threatens the persistent bureaucracy and powers-that-be like nothing else, and they are increasingly desperate to control information and narratives.

We can only guess what important stories in the public interest will never be told because of a less free press.